

Tax Map/Block/Parcel
No. 73-12-600
Case 5984

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Clear Ridge Develoeprs, Inc.
C/O Mark S. Frizzera
1935 Babbs Court
Marriottsville, MD 21104

ATTORNEY: Clark R. Shaffer, Esq.
73 East Main Street, Suite 1
Westminster, MD 21157

REQUEST: A request to operate a National Tire & Battery (NTB) business as a Conditional Use.

LOCATION: The site is located at Liberty Road and Bonnie Brae Road, Eldersburg, Maryland, on property zoned "B-NR", Neighborhood Retail Business District, in Election District 5.

BASIS: Basis: Code of Public Local Laws and Ordinances, Section 158.077(D)(6).

HEARING HELD: November 29, 2016

FINDINGS AND CONCLUSION

On November 29, 2016, the Board of Zoning Appeals (the Board) convened to hear the request for a Conditional Use for a National Tire and Battery business. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Mark Frizzera testified as the applicant and the owner of the subject property. He mentioned a little about the history of the property. When he first purchased the property it was zoned R-20,000. He went through a rezoning process with the Planning Commission and the County Commissioners to get the property rezoned to B-NR. The County Commissioners granted his request to rezone the property as B-NR due to a mistake in the original zoning of the property. He subdivided the property into two pieces. There is an Advanced Auto store on one property. He is requesting the NTB business at the other location.

The applicant did not require Board approval for the Advanced Auto business. He initially believed that no additional County approval would be needed for the location where the proposed NTB would be situated. He was considering the use of the property as a specialty retail facility. He decided that a restaurant type of business would not be appropriate for the location.


However, as County officials noted to Mr. Frizzera and he subsequently agreed, the addition of the NTB would require conditional use approval that would need to be approved by the Board. The NTB would fall under the County zoning ordinance as an “automobile service center” as defined in the Code, Section 158.002 Definitions. An “automobile service center” in the B-NR zone requires conditional use approval as set forth in Section 158.077(D)(6). The NTB would be in the location of lot 1 in Exhibit 1. At the point he learned that he needed conditional use approval from the Board, he was already involved in the site plan review process with the Planning Commission. The project has already been through technical reviews by the development review committee including but not limited to an architectural review. There have been extensive traffic studies for both the subdivision and the site plan.

Mark Keeley presently works for Traffic Concepts, Inc. His resume is part of the record as Exhibit 3. He was accepted as an expert in the field of traffic engineering. He has performed a number of traffic studies with regard to the site in question. He generated a traffic study with the parcel being used with the designation of “specialty retail” for trip generation purposes. It turns out that the proposed use of NTB would have less of an impact and fewer trip generations than for the “specialty retail.”

Clare Stewart, Planning Technician with the Bureau of Comprehensive Planning wrote in a November 14, 2016 memorandum that the “staff finding is that this request is not inconsistent with the 2014 Carroll County Master Plan and the 2001 Freedom Community Comprehensive Plan and would not have an adverse effect on the current use of the property or its environs.”

The Board was convinced that authorization of the request with regard to a conditional use was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant.

Dec 1, 2016
Date


Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.